IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 300 OF 2005

Anand Krupa Co-op. Hsg.Society ..Petitioner.

Versus

Joint Divisional Registrar & Ors. ..Respondents.

Mr. S.M. Oak for the Petitioner.

Mr. A.H.Palekar, AGP for Respondents 1 & 2.

Mr. Ajay S.Patil & R.S. Dhaygude for Respondent No.3.

CORAM : S. A. BOBDE, J.

DATED : 01st SEPTEMBER,2005.

P.C.:

1. Rule, returnable forthwith.

Mr. Palekar, AGP waives service of rule on behalf of the respondents Nos. 1 and 2. Mr. A.S.Patil, waives notice of rule on behalf of the respondent No.3.

2. The petitioner has challenged the order of the Joint Divisional Registrar, Co-operative Society, Kokan Dvn., rejecting the petitioner’s appeal against

supersession of the Managing Committee under section 78 of the Co-operative Act. The only question raised by the learned counsel for the petitioner is regarding mandatory consultation under section 78 of the Maharashtra Co-operative Societies Act, 1960.

3. Admittedly, there has been no effective consultation in the sense that the federal society's reply to the show cause notice and other documents said to have been signed by the Registrar, was not received before the order was passed. In this view of the matter, by consent, the following order is passed.

ORDER

i. Order of supersession under section 78 of the Act is hereby set aside.

ii. The Registrar shall be at liberty to take action under section 78 of the Act, after consultation with the Federal Society from the consultation stage.

iii. Petition disposed of on the above terms.

DT.01.09.05 (S.A.BOBDE,J)

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